



Report to Congress on
The Reasons that the Continued Implementation of the New START Treaty
Is in the National Security Interests of the United States
per Sec. 1247(a) of the National Defense Authorization Act for Fiscal Year
2016 (P.L. 114-92)

This report is submitted in accordance with Section 1247 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly referred to as the New START Treaty) entered into force on February 5, 2011. Pursuant to an extension agreement between the treaty parties that entered into force on February 3, 2021, the treaty was extended until February 5, 2026. Under the treaty, the United States and the Russian Federation were required to meet the following central limits on their strategic offensive arms by February 5, 2018, and must remain within the limits for the remaining duration of the treaty:

- i. 700 deployed intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers;
- ii. 1,550 warheads on deployed ICBMs and SLBMs and warheads counted for deployed heavy bombers; and
- iii. 800 deployed and non-deployed ICBM launchers, SLBM launchers, and heavy bombers.

In January 2023, the State Department, on behalf of the President, reported to Congress that the Russian Federation was not in compliance with the terms of the New START Treaty. Subsequently, on February 28, 2023, the Russian Federation purported to “suspend” the treaty and ceased its implementation.

In the Report to Congress on Implementation of the New START Treaty for Calendar Year 2022, the State Department detailed two instances of noncompliance and one serious compliance concern.

- In refusing to permit the United States to conduct inspection activities on Russian Federation territory, based on an invalid invocation of the treaty’s “temporary exemption” provision, the Russian Federation failed to comply with its obligation to facilitate U.S. inspection activities, and denied the United States its right to conduct such inspection activities. The Russian Federation has not rescinded its invalid exemption and remains in noncompliance with its obligation to facilitate U.S. inspection activities. Because the Russian Federation’s purported suspension of the treaty is not

legally valid, this obligation remains binding on the Russian Federation, and it remains in noncompliance.

- The Russian Federation also failed to comply with the obligation to convene a session of the Bilateral Consultative Commission (BCC) within the timeline set out by the treaty.
- The United States had a concern regarding Russian Federation compliance with the New START Treaty warhead limit in 2022. This concern arose from the Russian Federation's noncompliance with its obligation to facilitate inspection activities, coupled with its close proximity to the New START Treaty warhead limit. As a result of the Russian Federation's close proximity to the warhead limit in its September 2022 data update and our inability to spot-check the accuracy of Russian warhead declarations, the United States was unable to make a determination that the Russian Federation remained in compliance throughout 2022 with its obligation to limit its warheads on deployed delivery vehicles subject to the New START Treaty to 1,550. While this was a serious concern, it was not a determination of noncompliance. The United States assessed that the Russian Federation had not engaged in significant activity above the treaty limits in 2022. The United States also assessed that the Russian Federation was likely under the New START Treaty warhead limit at the end of 2022.

On February 28, 2023, the Russian Federation purported to suspend the New START Treaty. The United States assessed the Russian Federation's purported

suspension to be without a valid legal basis. The “suspension” was predicated on a theory of U.S. material breach of the treaty, but no such U.S. material breach has occurred. The treaty is therefore not suspended, and remains binding on both parties. The Russian Federation’s failure since the date of its “suspension” to provide treaty notifications, including its March 2023 biannual data update, is noncompliant with paragraph 2 of Article VII of the Treaty. The Russian Federation has also remained in noncompliance with its obligation to facilitate U.S. inspection activities on its territory and has also failed to comply with its obligation to convene a session of the Bilateral Consultative Commission (BCC) in 2023 within the timeline set out by the treaty.

The Russian Federation has publicly stated that it no longer considers itself legally bound by the New START Treaty’s central limits on strategic offensive arms but that it will adhere to them as a political matter.

IMPLICATIONS FOR U.S. NATIONAL SECURITY INTERESTS

When fully implemented by the Russian Federation, the New START Treaty enhances U.S. national security by limiting Russian Federation nuclear forces and by providing predictability, transparency, and unique insight into its ICBM, SLBM, and heavy bomber nuclear forces and planning. For that reason, the United States seeks the Russian Federation’s return to compliance with the New START Treaty. The Russian Federation has a clear path back to compliance with the New START Treaty.

As a lawful countermeasure intended to encourage the Russian Federation to return to compliance with the New START Treaty, the United States did not provide its March 2023 biannual data update to the Russian Federation. On June 1, 2023, the United States adopted additional lawful countermeasures for the purpose of encouraging the Russian Federation to return to compliance with the treaty:

- First, the United States began to withhold from the Russian Federation all the notifications required under paragraph 2 of Article VII of the New START Treaty. These notifications include information such as updates on the status and location of items subject to the treaty. The Russian Federation ceased fulfilling its notification obligations upon its purported suspension of the treaty on February 28, 2023. The United States will continue to provide notification of ICBM and SLBM launches in accordance with the 1988 Ballistic Missile Launch Notification Agreement and to provide notifications of exercises in accordance with the 1989 Agreement on Reciprocal Advance Notification of Major Strategic Exercises. The Russian Federation has likewise indicated that it will provide notifications required under these agreements.
- Second, the United States is refraining from facilitating Russian Federation New START Treaty inspection activities on U.S. territory, specifically by revoking existing visas issued to Russian New START Treaty inspectors and aircrew members, denying pending applications for such visas, and by

revoking the standing diplomatic clearance number issued for Russian inspection airplanes. To be clear, the United States had been prepared to facilitate Russian New START Treaty inspection activities on U.S. territory since June 2022, which we consistently conveyed to Russia. However, the Russian Federation has chosen not to exercise its right to conduct inspection activities and has also denied the United States its inspection rights under the treaty since August 2022, when the Russian Federation refused a U.S. inspection.

- Third, the United States will not provide telemetric information on launches of U.S. ICBMs and SLBMs. The treaty requires that both parties reach agreement within the framework of the Bilateral Consultative Commission (BCC) on the number of launches of ICBMs and SLBMs for which telemetric information will be exchanged each year.

The United States assesses that, as of July 1, 2023, the Russian Federation has not engaged in significant activity above the New START Treaty central limits. U.S. confidence in the Russian Federation's adherence to the treaty's central limits will diminish over time if the Russian Federation persists in not implementing the treaty's verification provisions.

The United States continues to assess that there is not a strategic imbalance between the United States and the Russian Federation that endangers the national security interests of the United States, and to assess that the Russian Federation's violations of the treaty do not currently threaten the national

security interests of the United States. While the treaty remains in force, the United States is prepared to adhere to the treaty's central limits as long as it assesses the Russian Federation is doing so. Were the Administration to have indications or assess that the Russian Federation intended to or was acting to break out of the central limits of treaty, the Administration would immediately inform the Committees on Foreign Relations and Armed Services of the Senate. Were the Administration to determine that the Russian Federation's violations of the New START Treaty threaten the national security interests of the United States, the Administration would consult with the Senate regarding the implications.

The Russian Federation's noncompliance with the New START Treaty underscores the vital importance of retaining and modernizing a safe, secure, and effective U.S. nuclear deterrent and achieving a resilient and adaptive nuclear security enterprise.

The United States continues to believe that mutual full compliance with the New START Treaty makes the United States, its allies and partners, the Russian Federation, and the entire world safer. The United States is prepared to work constructively with the Russian Federation on a pathway back to full implementation of the New START Treaty and on a post-2026 nuclear arms control framework.